IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 838 of 2001

Between:

D.Rama Mani, S/o. Parameswara Rao, R/o. Flat No.EWS/23/6, Nehru Nagar Colony, Visakhapatnam

..... PETITIONER

AND

Visakhapatnam Municipal Corporation, represented by its Commissioner

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate order, or direction declaring the action of the respondent in seeking to demolish the structures-two small rooms and a shed with asbestos roof raised by him adjoining her Flat No.EWS/23/6, Nehru Nagar Colony, Visakhapatnam pending disposal of her application under BRS as illegal, arbitrary, etc.,

Counsel for the Petitioner:MR.V.V.L.N.SARMA

Counsel for the Respondent No.: MR.T.S.VENKATARAMANA

The Court made the following :

O R D E R:

This writ petition is filed seeking writ of Mandamus restraining the respondent from interfering with the structures-two small rooms and a shed with asbestos roof raised by the petitioner adjoining her Flat No.EWS/23/6, Nehru Nagar Colony, Visakhapatnam, as arbitrary and illegal.

The specific case of the petitioner is that the building in question has been constructed in accordance with the permission granted by the respondent herein and the action of the respondent in proposing to demolish the same without issuing any notice to the petitioner and without affording any opportunity to the petitioner as arbitrary and illegal and in violation of the principles of natural justice.

It is not disputed by the learned counsel for the respondent that a notice under Section 452 of the Hyderabad Municipal Corporation Act has not been served on the petitioner.

In the circumstances, without going into the merits of the case, the writ petition is disposed of with a direction to the respondent not to demolish the building in

question without issuing a notice to the petitioner as required under the law.

The writ petition is accordingly disposed of. No costs.

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G.ROHINI.J.,

14/12/2004

tjs

ASSISTANT REGISTRAR

To

1.Commissioner, Visakhapatnam Municipal Corporation, Visakhapatnam.

2.2 C.D.copies.